

CIVIL DOCKET  
UNITED STATES DISTRICT COURT

DAUGHERTY

73-C-81

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>TERRY LEE RADCLIFF</p> <p>vs.</p> <p>PARK-ANDERSON, Warden RICHARD CRISP, and DR. PAUL IMBODY</p>	<p>For plaintiff:</p> <p>Andrew T. Dalton, Jr. 2536 E. 51st St. Tulsa, Oklahoma 74105 (742-0068)</p> <p>Fred Gilbert 1401 NBT Bldg. Tulsa 74103</p> <p>For defendant:</p> <p>Kay Karen Kennedy Asst. Attorney Gen. State Capitol Bldg. Oklahoma City, ok. 73105</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <del>4-1-73</del> 5-1-75	Clerk	3/15/73	Dalton	5.00	
J.S. 6 mailed <del>7-1-77</del> 4-1-78	Marshal	3-15-73	C.D.No.40		5 00
Basis of Action: Pet. for Writ of HC	Docket fee	6-11-73	Dalton	5 00	
Action arose at:	Witness fees	6-14-73	CD 52		5 00
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-14-73	Petition filed, jj	
3-14-73	Entry of Appearance, filed. jj	
4-2-73	Copy of letter dated 3-31-73 from J. D. to Petr. Atty stating that Petr had not signed the Petition and unless within 30 days (4-30), an amended Petition is filed, signed by petitioner or a proper showing is made of physical or mental handicap of Petitioner preventing him from signing, the Petition will be dismissed, filed. r	
4-24-73	Amended Petition, per order of court, filed. rm <i>mailed w/ file</i>	
4-30-73	Order to Show Cause, directing Respondent to Respond within 20 days (Due 5-19) filed. (FD-J)r (Copy w/petition mailed to atty gen; coyp to Petr's atty.)	
5-16-73	RESPONSE, filed. r <i>mailed w/ file</i>	
6-6-73	<u>Order filed &amp; entered</u> , that Pltf's action is dismissed. (FD-J)r (Copies mailed)	
6-11-73	Notice of appeal by plaintiff, filed. g	
6-11-73	Designation of record on appeal, filed. g	
6-11-73	Motion to waive or reduce appeal bond, filed. g	
6-14-73	Certificate of Probable Cause, filed. (FD-J)rm - copy to USCA & atty	
6-14-73	Order waiving appeal bond, filed. (FD-J)rm - copies mailed.	
6-26-73	Appeal record (one volume) to USCA. rm	
1-29-75	Mandate and Opinion of USCA reversing judgment of 6/6/73 and remanding cause for further proceedings in light of this opinion; Judge Seth dissenting, filed and spread of record.rm	
2-3-75	Appeal record (1 vol.) rec'd from USCA. g	
3-5-75	Letter of 3/3/75, filed, from USCA advising that Petition for Writ of Cert. filed with Supreme Ct. on 2/25/75 & given No. 74-1061.rm	
5-1-75	Letter from 10th Circuit that petition for writ of cert. to Supreme Court was denied on 4/21/75, filed. rm	
6-20-75	MO: Ordered by the court that this case is set for pre-trial conf. for 12:00 noon, Wed. July 9, 1975. (FD-J)rm - notices mailed	
7-9-75	Pre-trial conf. held. Parties rep. by counsel of record. Case to be submitted on agreed stip. of facts and briefs. Stip. to include any documentation desired and to provide that no further evidence is desired to be presented and that case will be subm. to Ct. for decision after briefing period is completed. The matter of oral arguments is left to the Ct. Deft. to prepare stip. of facts & submit to pltf. for approval within 2 weeks; thereafter, pltf. to brief within 10 days on relief now sought; deft to respond within 20 days thereafter; pltf. to reply 10 days thereafter. Clerk directed to send copy of minute to counsel. (FD-J)(Vera Edleman-Deputy)(Tim Holmes-CR)rm	
7-25-75	Appl. of Atty. Gen. to supplement record, filed. rm <i>copy to J.</i>	
7-30-75	Motion of petitioner to enter judg. pursuant to mandate of 10th Circuit, w/proposed judg. attached, filed. rm <i>copy to J.</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-1-75	Respondent's supplemental brief, filed. g	
8-5-75	Letter, 8/1/75, from FD to respondent, directing them to respond to petitioner's mo/enter judg.by 8/16/75.(FD-J)rm	
8-15-75	Letter, filed, from petitioner's counsel to FD, 8/11/75, as reply to respondent's brief.rm	
9-18-75	MO: Case set for non-jury trial for 10:30 a.m., 10/6/75.(FD-J)rm-notices	
10-2-75	Motion of petitioner to strike from trial docket and/or motion for continuance, w/memorandum in support attached, filed. rm	
10-2-75	MO: Ordered by the Ct. that petitioner's mo/continuance is overruled. Case is set for trial for 10:30 a.m., 10/6/75. (FD-J)rm-parties notified by phone	
10-6-75	Case called for non-jury trial. Parties rep. by counsel. Ct. reads into record intended Order ruling on pending motions to suppl. record, to enter judg. and to dismiss. Ct. will formalize Order. Pltf. moves for cont. - granted. Def. moves to have records of County Ct. entered into evidence - pltf. objects. Pltf. asks leave to present evidence at later date. Def. puts on evidence with witness, Don Austin, sworn and testifies. Def. Exhibits 1 thru 14 offered and admitted into evidence over objections of pltf. All objs. overruled. Respondent rests. Pltf. offers stip. of evidence, def. objs. Case to be set for further evidentiary hrg. Oral argument by pltf. but not waiving right for further argument. Def. makes oral argument. Ct. recesses at 12:10 p.m. Case may be set at later date. (FD-J)rm (Tim Holmes-CR)	
10-6-75	Def. Exhibits 1 thru 14, filed. rm	
10-6-75	Order, filed, denying Petitioner's motion to enter judgment, Respondent's application to supplement record, and Respondent's motion to dismiss. (FD-J)g cps mld.	
12-10	MO: Case set for further non-jury for Tues., 1/20/76, at 1:30 p.m. (FD-J)rm - notices	
1-5-76	Renewed motion of petitioner for continuance and for pre-trial order, with memorandum of law, filed. rm	
1-13	MO: Ordered by the Court that motion of petitioner for continuance is granted. Formal Order will be prepared by the Court.(FD-J)rm	Pastor notified by phone
1-15	Order, filed, denying Petitioner's Mo. for a Pre-Trial Order and sustaining Petitioner's mo. for continuance. (FD-J)ph cps. mld.	
1-30	Notice by pltf. that he will seek writ of prohibition and/or mandamus from 10th Circuit, w/petition attached, filed. rm	
3-25	Certified copy of Mandate of USCA, filed and spread of record, denying pltf. petition for writ of prohibition and/or mandamus, as well as motion for consolidation with pending appeals in that Court. rm	
5-13	MO: Case set for further evidence in non-jury trial for Monday, June 7, 1976, at 1:30 p.m. (FD-J)rm-notices	
5-17	Mot. to substitute respondent, fld. by petitioner. Brief attached. v	
5-20	Letter, filed, from FD to def. directing them to respond to pltf. mo/substitute in 5 days, w/brief if opposed.(FD-J)rm	
5-24	Response of atty. gen. to mo/substitute, filed. rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1976		
5-27	Letter, filed. from FD to petitioner's counsel directing him to respond to def. response by 6/2/76. (FD-J)rm	
6-2	Supplemental motion of petitioner to add respondents, in form of response pursuant to letter of 5/27, filed. rm	
6-3	Subpoenae, ret. & filed: served Raymond Graham, Dist. Judge, and S. M. "Buddy" Fallis, Tulsa, Ok. on 6-3-76. (USM \$4.00)	
6-3	Motion of petitioner for continuance, w/memo. in support, filed. rm	
6-7	Order, filed, that Richard Crisp is automatically substituted for def. Park Anderson, pursuant to Rule 25(d); the Court will allow addition of Dr. Paul Imbody as addl. respondent; the Ct. denies add. of all other parties. (FD-J)rm - copies mailed by FD's office	
6-7	Order, filed, denying petitioner's mo/continuance.(FD-J)rm-copies mailed by FD's office	
6-7	Sub. duces tecum, ret. & filed: served Hon. Joe Jennings 6-4-76. (USM \$2.48)g	
6-7	Further non-jury trial held. Parties rep. by counsel of record. Deft. having presented its case on 10/6/75, pltf. presents case in chief with testimony of witnessess and pltf. Ex. No.1 admitted. Figures on blackboard to be photo. and presented to the Ct. re Ex. No. 1. Petitioner calls Kay Karen Kennedy as witness. Request denied. Offer of proof presented and denied. Petitioner rests. No further evidence by respondent. Petitioner offers in support of his offer of proof petr. Ex. 2 which is not adm. Arguments presented by petr. Resp. requests permission to file mo/dismiss and waives argument. Motion denied. Ct. inquires of resp. as to what their position is. Resp. presents their position. Case taken under advisement. Case abated until decision in Bromley case is reached. (FD-J)(Vera Eddleman-deputy)(Tim Holmes-CR)rm	
3-13-78	Order, filed and entered, denying petitioner's petition for writ of habeas corpus.(FD-J)rm-copies mailed	
3-14	Notice of appeal by plaintiff from order of 3/13/78, filed. rm - copies to counsel and USCA	
3-17	Order, filed, granting certificate of probable cause.(FD-J)rm-copies to counsel and USCA	
4-17	Letter from 10th Circuit, received, that petition for writ of mandamus was filed. (78-1272)rm	
4-19	Orig. appeal record (1 vol) transmitted to 10th Circuit.rm	
11-3-78	Mandate of 10th Circuit, filed and spread of record, that prayer for writ of mandamus within combined docketing statement & pet. for mandamus is denied, and that portion of proceeding is dismissed. That remainder of cause is remanded to D.C. to be stayed until petitioner advises D.C. re state ct. proceedings; the D.C. shall then dispose of case. rm	
11-13-78	Appeal record 3(1 vol) received from 10th Circuit. rm	

Daugherty

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>73-C-81-D</u>
Terry Lee Radcliff		Warden	PAGE ____ OF ____ PAGES
DATE 1982	NR.	PROCEEDINGS	
4-12	--	LTR. from Judge Daugherty to Fred Gilbert, re awaiting action by petitioner before Ct. can act, pursuant to Mandate. rm	
8-6	--	LTR from Judge Daugherty to Fred Gilbert in re status of case.a	
6-21-82 Gilbert 2 return call.			

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	